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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

JAY RALSTON, individually and on behalf of all others similarly situated,

Case No. 5:08-CV-00536-JF (PSGx)

JOINT STIPULATION AND [PROPOSED] ORDER RE: CASE DEADLINES PENDING SETTLEMENT DISCUSSIONS

Courtroom: 3 - 5th Floor
Judge: Hon. Jeremy Fogel
Magistrate: Hon. Paul Singh Grewal

MORTGAGE INVESTORS GROUP, INC.;
MORTGAGE INVESTORS GROUP, a
general partnership; COUNTRYWIDE HOME
LOANS, INC.; and DOES 3-10.

Defendants.

MORTGAGE INVESTORS GROUP, a general partnership; COUNTRYWIDE HOME LOANS, INC.; and DOES 3-10.

Defendants.

1. **What is the primary purpose of the proposed legislation?**

2. **How will the proposed legislation affect the current regulations?**

3. **What are the potential consequences of non-compliance with the proposed legislation?**

4. **What are the key provisions of the proposed legislation?**

5. **What is the timeline for the implementation of the proposed legislation?**

6. **What resources are available to assist with the transition to the new regulations?**

7. **What are the potential financial impacts of the proposed legislation?**

8. **What are the potential legal implications of the proposed legislation?**

9. **What are the potential operational impacts of the proposed legislation?**

10. **What are the potential environmental impacts of the proposed legislation?**

1 **JOINT STIPULATION AND ORDER RE: CASE DEADLINES PENDING SETTLEMENT DISCUSSIONS**

2 Pursuant to Fed. R. Civ. P. 6(b), Jay J. Ralston (“Plaintiff”) and defendants Countrywide
 3 Home Loans, Inc. (“CHL”), Mortgage Investors Group, Inc., and Mortgage Investors Group
 4 (collectively, “Defendants”) hereby jointly stipulate and request the Court to extend the class
 5 certification briefing deadlines and hearing in this case in order to permit them to explore a potential
 6 resolution of this litigation in a mediation with the Honorable Edward A. Infante (Ret.) scheduled for
 7 August 2, 2011. In support of this Joint Stipulation, the parties state as follows:

8 1. This is a putative class action brought by Plaintiff against Defendants, asserting
 9 claims for fraudulent omissions and violation of the UCL.

10 2. By Minute Order dated February 11, 2011 (“Order”) (Dkt. No. 214) (adopting
 11 Defendants’ proposed case schedule in Dkt. No. 208), this Court set various deadlines for class
 12 certification briefing, including a May 20, 2011 deadline for Plaintiff’s class certification motion, a
 13 June 17, 2011 deadline for Defendants’ opposition, and a July 15, 2011 deadline for Plaintiff’s reply
 14 submissions.

15 3. In the Order, this Court also set July 29, 2011 as the hearing date for Plaintiff’s class
 16 certification motion.

17 4. Plaintiff filed his class certification motion on May 20, 2011, and thereafter filed a
 18 corrected class certification motion on May 25, 2011.

19 5. Plaintiff and CHL have agreed to explore a potential resolution of this matter with the
 20 assistance of a third-party mediator, Judge Infante of JAMS, and have scheduled a mediation for
 21 August 2, 2011. This mediation date was the first available to Judge Infante, the parties and the
 22 parties’ counsel.

23 6. In light of the pending mediation, the parties jointly request that this Court (a) extend
 24 Defendants’ deadline to file their class certification opposition submissions from June 17, 2011 to
 25 August 30, 2011; (b) extend Plaintiff’s deadline to file his reply submissions from July 15, 2011 to
 26 September 30, 2011; and (c) reschedule the July 29, 2011 class certification hearing to October 14,
 27 2011.

7. The parties respectfully submit that there is good cause for this joint request. First, the requested brief extension of deadlines will permit Plaintiff and CHL to devote their attention and resources to preparing for and participating in the mediation. *Churchill Village, L.L.C. v. General Electric*, 361 F.3d 566 (9th Cir. 2004) (there is a strong judicial policy that favors class action settlements); *Class Plaintiffs v. City of Seattle*, 955 F.2d 1268, 1276 (9th Cir. 1992) (same). And, second, the request extension will conserve the parties' and this Court's resources and avoid the potentially unnecessary expenditure of attorneys' fees and other litigation costs while parties explore the possibility of a settlement. See Fed. R. Civ. P. 1 (federal rules "should be construed and administered to secure the just, speed, and inexpensive determination of every action and proceeding").

8. No party will be prejudiced by the requested extensions.

9. No prior extension or adjustment of the deadlines set forth in the Order has been sought by the parties.

10. WHEREFORE, for all the foregoing reasons, the parties jointly request that this Court
(a) extend Defendants' deadline to file their class certification opposition submissions from June 17,
2011 to August 30, 2011; (b) extend Plaintiff's deadline to file his reply submissions from July 15,
2011 to September 30, 2011; and (c) reschedule the July 29, 2011 class certification hearing to
October 14, 2011.

Respectfully submitted

Dated: June 4, 2011

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7 Dated: June 4, 2011

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14 Dated: June 4, 2011

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20 Attorneys for Defendants: *Mortgage Investors Group, Inc. and Mortgage Investors Group*

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2 **ORDER**

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Upon consideration of the parties' Stipulation and having good cause therefore, **IT IS**
4
HEREBY ORDERED that (a) Defendants' deadline to file their opposition submissions is extended
5 from June 17, 2011 to August 30, 2011; (b) Plaintiff's deadline to file his reply submissions is
6 extended from July 15, 2011 to September 30, 2011; and (c) the class certification hearing is
7 rescheduled from July 29, 2011 to October 14, 2011.

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IT IS ORDERED.

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Dated: June 6, 2011

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HON. JEREMY FOGEL
United States District Judge

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